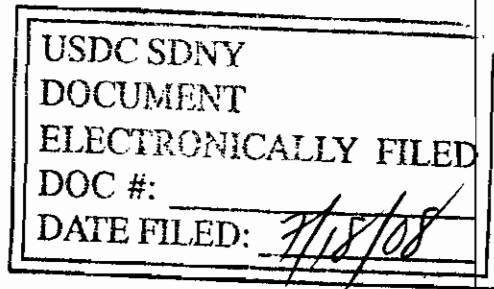


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x	:	
CARMEN OTERO MCCULLOCH,	:	
	:	
Plaintiff,	:	07 Civ. 9780 (LAP)
	:	
-against-	:	<u>ORDER</u>
	:	
TOWN OF MILAN, et. al,	:	
	:	
Defendants.	:	
-----x	:	

LORETTA A. PRESKA, U.S.D.J.:

For the reasons stated in open court today, Defendants' motion to dismiss (dkt. no. 48) is GRANTED in part and DENIED in part. Specifically, the motion is:

- DENIED with respect to the claims under the Fair Housing Act (Causes of Action One and Three);
- DENIED with respect to the claims under the Equal Protection clause (Cause of Action Two);
- GRANTED with respect to the claims of a denial of procedural or substantive due process (Causes of Action One and Two);
- GRANTED without prejudice with respect to the Takings claim (Cause of Action Two);
- DENIED with respect to the claim of tortious interference with prospective economic relations (Cause of Action Four); and
- GRANTED without prejudice with respect to the claims for a declaratory judgment related to the Conservation Easement Agreement and improper use of escrow funds (Causes of Action Five, Six, and Seven) in that the Court declines to exercise supplemental jurisdiction over those claims.

Counsel shall confer and inform the Court by letter how they propose to proceed by July 24, 2008.

SO ORDERED:

Dated: New York, New York
July 17, 2008


LORETTA A. PRESKA, U.S.D.J.